

**OPINION**  
**56-127**

October 25, 1956 (OPINION)

LABOR

RE: Working Hours for Women

We are in receipt of your letter of October 19, 1956, in which you request an opinion on the following question:

Where a federal statute is silent as to the number of hours that a female may work in any one week while engaged in interstate commerce is our state statute (section 34-0606 of the N.D.R.C. of 1943) which limits the working hours of a female employee to forty-eight hours a week controlling?

Enclosed herein you will find two opinions issued by this office dated January 31, 1944, and February 2, 1948, which in substance hold that where our state laws are not inconsistent with the federal statutes, the state statutes are controlling. Also, Title 29 section 218 of U.S.C.A. reads as follows:

"Section 18. No provision of this Act or of any order thereunder shall excuse non-compliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the minimum wage established under this Act or maximum workweek lower than the maximum workweek established under this Act, and no provision of this Act relating to the employment of child labor shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established under this Act. No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage under this Act, or justify any employer in increasing hours of employment maintained by him which are shorter than the maximum hours applicable under this Act."

Since the state statute applicable in the facts stated is not inconsistent with any federal statutes we are of the opinion that it is controlling in this situation.

LESLIE R. BURGUM

Attorney General